

## APPENDIX TO CHAPTER 1

### GENERAL AND ADMINISTRATIVE RULES

#### A. CIVIL VENUES

The law regulating venue between counties of the State for commencement of any civil action or proceeding in the Superior Court shall determine in which court location within the county actions or proceedings must first be filed.

*(Appendix A to Chapter 1 amended effective 1/1/2004)*

#### **LIMITED JURISDICTION CIVIL CASES:**

Actions or proceedings within the former subject matter jurisdiction of the municipal courts and arising within the geographic limits of the following court locations shall be filed as indicated:

1. Allen E. Broussard Justice Center: Emeryville, Oakland, Piedmont.
2. Hayward Hall of Justice: Hayward, San Leandro, unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview and San Lorenzo.
3. George E. McDonald Hall of Justice: Alameda.
4. Berkeley Courthouse: Albany and Berkeley.
5. Fremont Hall of Justice: Fremont, Newark, Union City, and unincorporated areas of Washington Township.
6. Gale/Schenone Hall of Justice: Dublin, Livermore, Pleasanton, unincorporated areas of Sunol, East to the San Joaquin County line, West to Schafer Ranch Road, North to the Contra Costa County Line, South to Andrade Road and Southeast to the Santa Clara County line.

#### **GENERAL JURISDICTION CIVIL CASES:**

1. René C. Davidson Alameda County Courthouse (Northern Division): Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.
2. Hayward Hall of Justice (Southern Division): Hayward, San Leandro, Fremont, Newark, Union City, unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview, San Lorenzo, and Washington Township.
3. Gale/Schenone Hall of Justice (Eastern Division): Dublin, Livermore, Pleasanton, unincorporated areas of Sunol, East to the San Joaquin County line, West to Schafer Ranch Road, North to the Contra Costa County Line, South to Andrade Road and Southeast to the Santa Clara County line.

**PETITIONS FOR CIVIL HARASSMENT AND DOMESTIC VIOLENCE  
RESTRAINING ORDERS:**

1. René C. Davidson Alameda County Courthouse: Emeryville, Oakland, and Piedmont.
2. George E. McDonald Hall of Justice: Alameda.
3. Berkeley Courthouse: Albany, Berkeley.
4. Fremont Hall of Justice: Fremont, Newark, Union City, and unincorporated areas of Washington Township.
5. Gale/Schenone Hall of Justice: Dublin, Livermore, Pleasanton, unincorporated areas of Sunol, East to the San Joaquin County line, West to Schafer Ranch Road, North to the Contra Costa County Line, South to Andrade Road and Southeast to the Santa Clara County line.
6. Hayward Hall of Justice: Hayward, San Leandro, unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview and San Lorenzo.

**B. PROBATE VENUES INCLUDING PROBATE CONSERVATORSHIPS AND  
GUARDIANSHIPS**

1. René C. Davidson Alameda County Courthouse (Northern Division): Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.
2. Hayward Hall of Justice (Southern Division): Hayward, San Leandro, unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview, and San Lorenzo.
3. Gale/Schenone Hall of Justice (Eastern Division): Dublin, Livermore, Pleasanton, unincorporated areas of Sunol, East to the San Joaquin County line, West to Schafer Ranch Road, North to the Contra Costa County Line, South to Andrade Road and Southeast to the Santa Clara County line.
4. Fremont Hall of Justice: Fremont, Newark, Union City, and unincorporated areas of Washington Township.

*(Appendix B to Chapter 1 amended effective 1/1/2004)*

**C. ADOPTION FILING VENUES**

1. René C. Davidson Alameda County Courthouse (Northern Division): Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.
2. Hayward Hall of Justice (Southern Division): Hayward, San Leandro, Fremont, Newark, Union City, unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview, San Lorenzo, and Washington Township.
3. Gale/Schenone Hall of Justice (Eastern Division): Dublin, Livermore, Pleasanton, unincorporated areas of Sunol, East to the San Joaquin County line, West to Schafer Ranch Road, North to the Contra Costa County Line, South to Andrade Road and Southeast to the Santa Clara County line.

*(Appendix C to Chapter 1 amended effective 1/1/2002.)*

## **D. LANTERMAN-PETRIS-SHORT ACT (LPS) FILING VENUE**

René C. Davidson Alameda County Courthouse.  
(*Appendix D to Chapter 1 amended effective 1/1/2002.*)

## **E. FALSE CLAIMS ACT (INCLUDING QUI TAM) VENUE**

Actions brought under Government Code §§ 12650 – 12656 must be filed at the René C. Davidson Alameda County Courthouse (California Rules of Court Rule 243.6(b)).  
(*Appendix E to Chapter 1 amended effective 1/1/2004.*)

## **F. ELECTRONIC FILING OF DOCUMENTS**

The Superior Court of California, County of Alameda adopts this rule regarding electronic filing pursuant to Code of Civil Procedure Section 1010.6 (a).  
(*Appendix D. to Chapter 1 effective 8/1/2000; amended to Appendix E to Chapter 1 effective 1/1/2000; amended to Appendix F to Chapter 1 effective 1/1/2004.*)

### ***1. Requirements for Electronically Submitted Documents.***

A party or the party's attorney may electronically file a document in certain civil case types via an electronic filing service (hereafter "the filer") under contract with the Court. For an up-to-date list of electronic filing services under contract with the Court and a list of case types, you are directed to the Court's Web site: <http://www.co.alameda.ca.us/courts/>

### ***2. Enhanced Service; Contractual Requirements.***

Filing documents electronically is an enhanced information service which may be provided by arrangement with one or more private-sector firms under contract with the Court. Such a firm may require payment of a fee and/or impose other reasonable requirements by contract with the litigant or the litigant's attorney as conditions for processing an electronic filing.

### ***3. Receipt and Filing of Documents with Court.***

- (a) Any document that is electronically received and filed by the Court after 5:00 p.m. shall be deemed to have been filed on the next court day.
- (b) **Notice of Receipt and Filing:** Upon receipt and filing of the document, the Clerk shall send to the filer a notice that the transmitted document has been received and filed by the Court. The notice shall confirm the date the document was received and filed by the Court and whether a summons will be electronically issued to the electronic address given by the filer.
- (c) **Notice of Receipt and Rejection:** If the document is rejected for filing, the Court shall promptly notify the filer that the document has been rejected and set forth the grounds for the rejection.

***4. Errors or Malfunctions***

If for any reason any document is not transmitted to or received by the filer or the Court, the Court shall not be liable for malfunction or errors occurring in the electronic transmission or receipt.

## APPENDIX TO CHAPTERS 4 AND 5

### A. REPORTING SETTLED CASES

#### GENERAL JURISDICTION CIVIL CASES:

In all cases of settlement before trial, regardless of the method of settlement, counsel must, pursuant to California Rule of Court 225, notify the Court. For cases which have been assigned to a Case Management Department, the Case Management Department must be notified of the settlement. In any case not assigned to a Case Management Department, counsel must notify Calendar Section of the Court Executive Offices at the appropriate court branch:

For cases which have been assigned to the:  
Northern Division: (510) 272-6068  
Southern/Eastern Divisions: (510) 670-5950

Any case which is settled as described herein shall be continued to a dismissal calendar pursuant to California Rule of Court 225 and Local Rule 4.0 et. seq.

### B. CIVIL LAW & MOTION

#### 1. GENERAL JURISDICTION CIVIL CASES:

##### Calendaring Of Law And Motion Matters:

##### Northern, Southern, and Eastern Divisions - Department 31

All law and motion matters for actions pending in the Northern, Southern, and Eastern Divisions shall be set for hearing at 9 a.m. or 2 p.m. Unless otherwise ordered by the Court, all motions in an action which ends in an odd number are heard at 9 a.m. and motions in an action which ends in an even number are heard at 2 p.m.

##### Reservation of Time for Hearing:

##### Northern, Southern, and Eastern Divisions - Department 31

Moving party shall call the calendar clerk at (510) 208-3949 and reserve time before filing a motion.

##### Tentative Rulings:

The Civil Law and Motion Departments operate a tentative ruling system. The tentative ruling can be obtained by calling the tentative ruling voice mail system at the specified number at the specified time. The tentative ruling will become the Court's ruling unless by the specified time, counsel or an unrepresented party leaves a message on the tentative ruling voice mail system to request argument and to specify the case name, line number, and the issues to be contested. Counsel or unrepresented parties must advise all other counsel and unrepresented parties no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued. Failure to advise the Court, counsel and any unrepresented parties will

preclude counsel from arguing the matter. If there is no appearance by the contesting party, the Court's tentative ruling shall become the Court's order.

**Northern, Southern, and Eastern Divisions - Department 31**

1. The tentative ruling can be obtained by calling the tentative ruling voice mail system at (510) 208-3939 after 5:00 p.m., two court days preceding the hearing date.
2. The tentative ruling will become the court's ruling unless by 4:00 p.m. the court day preceding the hearing, counsel or an unrepresented party leaves a message on the tentative ruling voice mail system to request argument and to specify the case name, line number, and the issues to be contested. Counsel or unrepresented parties must advise all other counsel and unrepresented parties no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued.

**2. LIMITED JURISDICTION CIVIL CASES:**

**Calendaring Of Law And Motion Matters**

**Berkeley Courthouse**

1. All law and motion matters for limited jurisdiction civil cases pending in the Berkeley Courthouse shall be set for hearing at 9:00 a.m. in Department 203 on Fridays.
2. All law and motion matters for limited jurisdiction civil cases are heard before the Court Commissioner. Stipulations are required by all parties before the Commissioner may hear the case. Any party who refuses to so stipulate must do so in writing filed with the clerk at the time of filing moving or opposing papers. Failure to file a timely refusal will result in a waiver of the right of refusal.

**Allen E. Broussard Justice Center (Oakland)**

All law and motion matters for limited jurisdiction civil cases pending in the Allen E. Broussard Justice Center shall be set for hearing at 9:00 a.m. and 2:00 p.m. in Department 31 located on the second floor of the U.S. Post Office Building, 201 - 13<sup>th</sup> Street, Oakland.

**Fremont Hall of Justice**

All law and motion matters for limited jurisdiction civil cases pending in the Fremont Hall of Justice shall be set for hearing at 10:30 a.m. in Department 604.

**Hayward Hall of Justice**

1. Unlawful detainer law and motion hearings shall be set at 9:00 a.m and 2:00 p.m. in Department 504 on Wednesdays.
2. All other law and motion matters for limited jurisdiction civil cases pending in the Hayward Hall of Justice shall be set for hearing at 9:00 a.m. and 2:00 p.m. in Department 31 located on the second floor of the U.S. Post Office Building, 201 – 13<sup>th</sup> Street, Oakland.

Gale/Schenone Hall of Justice (Pleasanton)

1. Unlawful detainer law and motion hearings shall be set at 2:00 p.m. in Department 707, on Thursdays.
2. All other law and motion matters for limited jurisdiction civil cases pending in the Gale/Schenone Hall of Justice shall be set for hearing at 9:00 a.m. and 2:00 p.m. in Department 31 located on the second floor of the U.S. Post Office Building, 201 – 13<sup>th</sup> Street, Oakland.

George E. McDonald Hall of Justice (Alameda)

All law and motion matters for limited jurisdiction civil cases pending in the George E. McDonald Hall of Justice shall be set for hearing at 9:30 a.m. in Dept. 303 on Monday, Tuesday and Friday. On Wednesday, motions shall be set for hearing at 1:30 p.m. in Department 303.

**Reservation of Time for Hearing**

Berkeley Courthouse

The moving party shall call the calendar clerk at (510) 644-8999 and reserve time before filing a motion.

Allen E. Broussard Justice Center (Oakland)

The moving party shall call the calendar clerk at (510) 268-7714 and reserve time before filing a motion.

Fremont Hall of Justice

The moving party shall call the clerk at (510) 795-2360 and reserve time before filing a motion.

Hayward Hall of Justice

All law and motion matters in limited jurisdiction actions pending in the Hayward Hall of Justice, except law and motion matters in unlawful detainer actions, shall be heard in Department 31 located on the second floor of the U.S. Post Office Building, 201 – 13<sup>th</sup> Street, Oakland. The moving party shall call the clerk at (510) 670-5628 and reserve time before filing a motion in an unlawful detainer matter.

Gale/Schenone Hall of Justice (Pleasanton)

All law and motion matters in limited jurisdiction actions pending in the Gale/Schenone Hall of Justice, except law and motion matters in unlawful detainer actions, shall be heard in Department 31 located on the second floor of the U.S. Post Office Building, 201 – 13<sup>th</sup> Street, Oakland. The moving party shall call the calendar clerk at (925) 551-6686 and reserve time before filing a motion in an unlawful detainer matter.

George E. McDonald Hall of Justice (Alameda)

The moving party shall call the calendar clerk at (510) 268-4219 or 268-7480 and reserve time before filing a motion.

**Tentative Rulings**

## **Local Rules of the Superior Court of California, County of Alameda**

The Civil Law and Motion Departments operate a tentative ruling system. The tentative ruling can be obtained by calling the tentative ruling voice mail system at the specified number at the specified time. The tentative ruling will become the Court's ruling unless by the specified time, counsel or an unrepresented party leaves a message on the tentative ruling voice mail system to request argument and to specify the case name, line number, and the issues to be contested. Counsel or unrepresented parties must advise all other counsel and unrepresented parties no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued. Failure to advise the Court, counsel and any unrepresented parties will preclude counsel from arguing the matter. If there is no appearance by the contesting party, the Court's tentative ruling shall become the Court's order.

### **Berkeley Courthouse**

The tentative ruling can be obtained by calling the tentative ruling voice mail system at (510) 644-6319 after 11:30 a.m., one court day preceding the hearing. The tentative ruling will become the court's ruling unless by 4:00 p.m., the court day preceding the hearing, counsel or an unrepresented party leaves a message on the tentative ruling voice mail system to request argument and to specify the case name, line number, and the issues to be contested.

Law and Motion matters are not regularly reported, but a court reporter will be provided upon request.

### **Fremont Hall of Justice**

The tentative ruling can be obtained by calling the tentative ruling voice mail system at (510) 795-2394 after 5:00 p.m., two court days preceding the hearing. The tentative ruling will become the court's ruling unless by 4:00 p.m., the court day preceding the hearing, counsel or an unrepresented party calls the calendar clerk at (510) 795-2360 and advises the clerk that they wish to make an appearance to contest the ruling.

Law and Motion matters are not regularly reported, but a court reporter will be provided upon payment of fees and request made 10 days in advance.

### **Allen E. Broussard Justice Center (Oakland)**

The tentative ruling can be obtained by calling the Dept. 31 tentative ruling voice mail system at (510) 208-3939 after 5:00 p.m., two court days preceding the hearing.

The tentative ruling will become the court's ruling unless by 4:00 p.m., on the court day preceding the hearing, counsel or an unrepresented party leaves a message on the tentative ruling voice mail system to request argument and to specify the case name, line number, and the issues to be contested. Counsel or unrepresented parties must advise all other counsel and unrepresented parties no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued.

### **Hayward Hall of Justice and Gale/Schenone Hall of Justice (Pleasanton)**

1. The tentative ruling can be obtained by calling the D-31 tentative ruling voice mail system at (510) 208-3939, after 5:00 p.m., two court days preceding the hearing date.



2. The tentative ruling will become the court's ruling unless by 4:00 p.m. on the court day preceding the hearing, counsel or an unrepresented party leaves a message on the tentative ruling voice mail system to request argument and to specify the case name, line number, and the issues to be contested. Counsel or unrepresented parties must advise all other counsel and unrepresented parties no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued.

George E. McDonald Hall of Justice (Alameda)

Tentative rulings are not made at this location of the court.

## C. CIVIL EX PARTE ORDERS

### General Jurisdiction Civil Cases:

**Reservation of Appointments:** All requests for ex parte relief shall be by appointment only. Appointments shall be made 24 hours or more before ex parte appearance. A party seeking an ex parte order shall comply with CRC Rule 379. A reservation of appointment shall be made in the appropriate department as follows:

Northern, Southern, and Eastern Divisions - Department 31

For an appointment call (510) 208-3949.

## D. ATTORNEY FEE SCHEDULES

Except as otherwise ordered by this Court in any civil case, except Unlawful Detainers, attorney fees when allowable, shall be fixed in accordance with the following schedule:

For the first \$5,000.00 in principal, at the rate of 25%, or the sum of \$300.00, whichever is greater;

For the next \$10,000.00, in principal, at the rate of 20%

For all principal above \$15,000.00 at the rate of 15%

For Unlawful Detainers, the minimum fee shall be \$300.00

A written declaration for submission to the court is required to substantiate extraordinary fees that exceed this schedule.

## E. COMPLEX CIVIL LITIGATION

### 1. ASSIGNMENT TO THE COMPLEX CIVIL LITIGATION DEPARTMENT

Every case determined by the Court to be a complex case pursuant to California Rules of Court, rule 1800 et seq. shall be assigned for all pretrial purposes to Department 22, Judge Ronald M. Sabraw, presiding.

Hon. Ronald M. Sabraw  
Judge of the Superior Court of California, County of Alameda  
Department 22  
1221 Oak Street, 4<sup>th</sup> Floor  
Oakland, CA 94612  
Courtroom Clerk's Telephone Number: (510) 272-6157  
Tentative Ruling Telephone Number: (510) 271-5106

## **2. COMPLEX DETERMINATION HEARING**

Cases designated in the Civil Case Cover Sheet (Judicial Council Form 982.2(b)(1) by plaintiff or counter-designated by defendant as complex under rule 1800 of the California Rules of Court will be scheduled by the Court for a Complex Determination Hearing in Department 22. Notice of hearing will be given by the Court with instructions regarding tentative rulings, telephonic appearance, and the tentative date of the Initial Complex Case Management Conference. In all pending cases not previously designated as complex, counsel, unrepresented parties or the Court may notice a hearing in Department 22 requesting complex designation by scheduling a hearing for the same with the clerk in Department 22. All motions in cases pending a Complex Determination Hearing must be scheduled for hearing in Department 22.

## **3. COMPLEX CASE MANAGEMENT CONFERENCE**

Cases determined by the Court to be complex will be scheduled for a Complex Case Management Conference (CCMC) in Department 22 within 15 days following the Complex Determination Hearing.

## **4. COMPLEX CASE MANAGEMENT CONFERENCE STATEMENTS**

Attorneys or unrepresented parties shall file CCMC statements directly in Department 22 within five (5) calendar days prior to the Complex Case Management Conference. The CCMC statements shall address the following issues:

- A. A statement of the issues presented in the case, including each theory and defense, the facts supporting each position taken in the form of a brief factual summary assisting the Court in understanding the background of the case, the relief sought, including an estimate of damages, and the status of relevant discovery.
- B. The number of parties and their posture, including a proposed structure of representation, (e.g., liaison/lead counsel or by committee) if applicable.
- C. Deadlines and limits on joinder of parties and amended or additional pleadings.
- D. Class discovery and class certification.

- E. A proposed schedule for the conduct of the litigation including, but not limited to, a discovery plan, a plan for hearing remaining law and motion matters, and a projected trial date.
- F. An identification of all potential evidentiary issues involving confidentiality or protected evidence.
- G. A detailed description of the procedural posture of the case, describing any outstanding procedural problems, including, but not limited to:
  - (1) unserved parties and the reasons for the failure to serve;
  - (2) unserved and/or unfiled cross-complaints;
  - (3) related actions pending in any jurisdiction and the potential for coordination or consolidation;
  - (4) any possible jurisdictional or venue issues that may arise;
  - (5) the status of discovery, including a description of all anticipated discovery and incomplete or disputed discovery issues;
  - (6) unresolved law and motion matters;
  - (7) requests for, or opposition to, any ADR proceedings, including but not limited to mediation, judicial or contractual arbitration;
  - (8) severance of issues for trial; and
  - (9) calendar conflicts for any attorney, witness, or party, and any other matter which may affect the setting of a trial date.
- H. Counsel shall make suggestions for streamlining the litigation, including but not limited to, a master file system, designation of lead counsel to streamline service of process, the use of e-filing, and the use of web-page maintained by lead counsel for the purpose of posting the litigation schedule and agenda.

## 5. REPORTING SETTLEMENT OF CASES

Attorneys or unrepresented parties must notify Department 22 in writing of the settlement of any complex civil case.

## 6. COMPLEX LITIGATION LAW AND MOTION

All motions in complex cases shall be scheduled for hearing in Department 22.

### **Reservation of Time for Hearing:**

The moving party shall call the courtroom clerk at (510) 272-6157 and reserve time before filing a motion.

### **Tentative Rulings:**

1. Department 22 operates a tentative ruling system for complex cases. The tentative ruling can be obtained by calling the tentative ruling voice mail system at (510) 271-5106 after 5:00 p.m. two court days preceding the hearing date.
2. The tentative ruling will become the Court's ruling unless by 4:00 p.m. the court day preceding the hearing, counsel or an unrepresented party leaves a message on the

tentative ruling voice mail system to request argument and to specify the case name, line number, and the issues to be contested.

3. Counsel or unrepresented parties must advise all other counsel and unrepresented parties no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued. Failure to advise the Court, counsel and any unrepresented parties will preclude counsel from arguing the matter.

## F. ADDENDUM TO CIVIL CASE COVER SHEET

<b>Short Title:</b>	<b>Case Number:</b>
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### CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW <u>UNLIMITED</u> CIVIL CASE FILINGS IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA		
<div style="display: flex; justify-content: space-between;"> <span>[ ] Fremont Hall of Justice</span> <span>[ ] Hayward Hall of Justice (447)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] Oakland, Rene C. Davidson Alameda County Courthouse (446)</span> <span>[ ] Pleasanton, Gale-Schenone Hall of Justice (448)</span> </div>		
Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 34 Auto tort (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>Is this an uninsured motorist case?</span> <span>[ ] yes [ ] no</span> </div>
Other PI /PD /WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 75 Asbestos (D)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 89 Product liability (not asbestos or toxic tort/environmental) (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 97 Medical malpractice (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 33 Other PI/PD/WD tort (G)</span> </div>
Non - PI /PD /WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 79 Bus tort / unfair bus. practice (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 80 Civil rights (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 84 Defamation (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 24 Fraud (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 87 Intellectual property (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 59 Professional negligence - non-medical (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 03 Other non-PI/PD/WD tort (G)</span> </div>
Employment	Wrongful termination (36) Other employment (15)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 38 Wrongful termination (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 85 Other employment (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 53 Labor comm award confirmation</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 54 Notice of appeal - L.C.A.</span> </div>
Contract	Breach contract / Wrnty (06) Collections (09) Insurance coverage (18) Other contract (37)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 04 Breach contract / Wrnty (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 81 Collections (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 86 Ins. coverage - non-complex (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 98 Other contract (G)</span> </div>
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 18 Eminent domain / Inv Cdm (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 17 Wrongful eviction (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 36 Other real property (G)</span> </div>
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 94 Unlawful Detainer - commercial</span> <span>Is the deft. in possession of the property?</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 47 Unlawful Detainer - residential</span> <span>[ ] Yes [ ] No</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 21 Unlawful detainer - drugs</span> </div>
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 41 Asset forfeiture</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 62 Pet. re: arbitration award</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 49 Writ of mandate</span> </div> <div style="display: flex; justify-content: space-between;"> <span>Is this a CEQA action (Publ.Res.Code section 21000 et seq)</span> <span>[ ] Yes [ ] No</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 64 Other judicial review</span> </div>
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 77 Antitrust / Trade regulation</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 82 Construction defect</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 78 Claims involving mass tort</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 91 Securities litigation</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 93 Toxic tort / Environmental</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 95 Ins covrg from complex case type</span> </div>
Enforcement of Judgment	Enforcement of judgment (20)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 19 Enforcement of judgment</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 08 Confession of judgment</span> </div>
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 90 RICO (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 88 Partnership / Corp. governance (G)</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 68 All other complaints (G)</span> </div>
Misc. Civil Petition	Other petition (43)	<div style="display: flex; justify-content: space-between;"> <span>[ ] 06 Change of name</span> </div> <div style="display: flex; justify-content: space-between;"> <span>[ ] 69 Other petition</span> </div>

202-19 (5/1/2000)

## APPENDIX TO CHAPTER 6

### JUDICIAL ARBITRATION PROCEDURE

#### 1. **Initiating an Appropriate Judicial Arbitration Referral**

Pursuant to CRC 1603, the presiding judge shall designate an Arbitration Administrator to supervise the Court's Judicial Arbitration program. All notices, judicial arbitration awards, and requests for trial de novo regarding any case filed with the Superior Court of California, County of Alameda regardless of the Case Management department shall be submitted directly to the JUDICIAL ARBITRATION ADMINISTRATOR at the address set forth below in order to be deemed correctly filed:

JUDICIAL ARBITRATION ADMINISTRATOR  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA  
22405 Amador Street  
Hayward, CA 94544

Any civil action not exempt from judicial arbitration under CRC 1600.5 may be referred to judicial arbitration in one of the following ways, provided that all parties have answered and a minimum of 120 calendar days have passed since the filing of the complaint:

- a) Upon written stipulation of the parties submitted to the Arbitration Administrator (*CRC 1600(a)*);
- b) Upon written request by the plaintiff submitted to the Arbitration Administrator in any case in which the plaintiff agrees the amount in controversy does not exceed \$50,000 (*CRC 1600(b)*);
- c) Upon court order (*CRC 1600(c)*);

#### 2. **Appointment of Final Arbitrator**

Within fifteen (15) calendar days of the receipt of an appropriate referral to Judicial Arbitration, the Arbitration Administrator will send the parties a written list of five (5) names of proposed arbitrators from the Court's judicial arbitration list. (*CRC 1605*). The parties may stipulate in writing to the designation of an arbitrator from this list. Absent such stipulation, each side has ten (10) calendar days to reject, in writing, one name on the list. (*CRC 1605*). At the expiration of such ten days, the Arbitration Administrator shall randomly select an arbitrator from the remaining names and notify the parties and the selected arbitrator in writing of the Final Assignment of Arbitrator. (*CRC 1605*). Each side shall then have five (5) calendar days in which to file with the Arbitration Administrator a written disqualification of the final proposed arbitrator pursuant to CCP 170.1 or 170.6. (*See CCP 1141.18(d)*). If one or more challenges are timely filed, the Arbitration Administrator shall record each challenge and select one of the remaining arbitrators from the original list of

proposed arbitrators, giving notice to the parties and the arbitrator of a new Final Assignment of Arbitrator. If no challenge is filed within five (5) days by any side and if the arbitrator has not disqualified him or herself pursuant to CRC 1606, the last Final Assignment of Arbitrator becomes effective.

**3. Judicial Arbitration Hearings**

- a) Within fifteen (15) days after the Final Assignment of Arbitrator, the judicial arbitrator shall notify each party and the Arbitration Administrator in writing of the date, time and place of the arbitration hearing (*CRC 1605*) which shall not be less than thirty (30) days from the Notice of Hearing nor more than ninety (90) days from the Final Assignment of the Arbitrator (*CRC 1605(b)*; *CRC 1607*, *CRC 1611*). Requests to extend the arbitrator's jurisdiction to hold a hearing more than ninety days after his or her assignment may be approved only by written application to the Case Management judge. (*CRC 1607(c)*).
  - 1) The Court may impose sanctions on any party or counsel for failure to timely seek a court order extending arbitration beyond the applicable period. Failure to timely complete arbitration or obtain an extension of time may result in an Order to Show Cause in Re: Compliance or an order vacating the judicial arbitration referral and setting the matter for trial.
  - 2) Any party requesting continuance of a judicial arbitration hearing date must notify the arbitrator and opposing parties no less than one week prior to the scheduled hearing date. Failure to give timely notice of such request may result in sanctions. (*CRC 1607*).
- b) At least ten (10) calendar days prior to the scheduled hearing, parties shall lodge with the judicial arbitrator an Arbitration Statement not to exceed ten (10) pages which identifies the parties and attorneys; summarizes the factual dispute; sets forth a statement of damages, including an itemization of all special damages; and includes a statement of disputed legal issues in the case together with a brief summary of any legal authority upon which the party seeks to rely. Failure to timely submit an Arbitration Statement may result in sanctions.
- c) All parties must participate in the Judicial Arbitration hearing in good faith. Parties and percipient witnesses shall appear in person, or pursuant to CRC 1613(b)(2), may testify through sworn declaration. Telephone appearances shall not be permitted. Failure to participate in good faith may result in sanctions.
- d) Pursuant to CCP 1141.18(a) and 1141.28, the Superior Court of California, County of Alameda requests that all judicial arbitrators waive compensation for their service, including the first three (3) hours of hearing time. Accordingly, judicial arbitration hearings shall not exceed three (3) hours of hearing time, except as provided herein below:
  - 1) If any party believes that a judicial arbitration hearing will require more

than three (3) hours, that party shall obtain prior court approval for a “lengthy hearing” by:

- a) At least ten (10) court days before the scheduled arbitration hearing, filing with the Arbitration Administrator a written stipulation signed by all parties and the arbitrator agreeing to a “lengthy hearing” and providing for payment by the parties of a reasonable rate of compensation for the judicial arbitrator for each hour of hearing time in excess of three hours (*CCP 1141.18(b) and 1141.28(b)*); or
- b) Obtaining a Court order by written noticed application showing good cause for a “lengthy hearing” filed with the Court within ten (10) court days of the referral of the matter to judicial arbitration. In the event requiring payment of a reasonable rate of compensation for the judicial arbitrator as set forth above would create a substantial economic hardship for any party, that party’s share of costs shall be paid for by the Court at the court at the rate of \$150 total cost per case. (*CCP 1141.18(b) and 1141.28(b)*);

#### **4. Filing a Judicial Arbitration Award**

As required by CRC 1615(b), the arbitrator shall file a written Award with the Arbitration Administrator within ten (10) calendar days after the completion of the arbitration hearing, with proof of service of a copy of the Award to each party to the arbitration. In cases in which a “lengthy hearing” has been granted, the arbitrator may seek an extension of up to twenty (20) additional days for the filing of the Award from the Arbitration Administrator.

Upon receipt of an Award, the Arbitration Administrator shall notify the parties the parties that an Arbitration Award has been filed, advising them that the Award will be entered as a Judgment unless a written Request for Trial de Novo is filed with the Arbitration Administrator within thirty (30) days of the filing of the Award. (*CRC 1615(c)*).

#### **5. Filing a Request for Trial De Novo**

Any Request for Trial de Novo must be served and filed with the Arbitration Administrator within thirty (30) calendar days of the filing of the Judicial Arbitration Award. Upon the expiration of thirty (30) calendar days after the Award is filed, if no Request for Trial de Novo has been received, the Arbitration Administrator shall enter the Award as a Judgment and give Notice of Entry of Judgment to all parties.



## **APPENDIX TO CHAPTER 8**

### **CRIMINAL RULES**

#### **A. ORGANIZATION**

1. All proceedings under Welfare and Institutions Code Section 10980 et seq. shall be set in Department 111 of the Wiley W. Manuel Courthouse.
2. All indictments shall be set in Department 11 of the Rene' C. Davidson Courthouse.
3. All informations under Health and Safety Code Sections 11350, 11355, 11357 and 11377, originating in the Wiley W. Manuel Courthouse, the Rene' C. Davidson Courthouse or the George E. McDonald Courthouse shall be set in Department 108 of the Wiley W. Manuel Courthouse.
4. All other felony informations originating in the Wiley W. Manuel Courthouse, the Rene' C. Davidson Courthouse or the George E. McDonald Courthouse shall be set before the Executive Judge, Northern Division in Department 11 of the Rene' C. Davidson Courthouse.
5. All felony informations originating in the Hayward Hall of Justice, the Fremont Hall of Justice and the Gale/Schenone Hall of Justice shall be set before the Executive Judge, Southern Division in Department 513 of the Hayward Hall of Justice.

#### **B. DUTIES OF EXECUTIVE JUDGES**

The following matters shall be noticed in the Executive Judge's department:

1. Arraignment
2. Disposition and Setting Conference
3. Penal Code 995 motions
4. Penal Code 1538.5 motions
5. Demurrer
6. Motion to Dismiss for Delay in Prosecution
7. Motion to Disclose Informant
8. Probation Revocation
9. Writ Proceedings
10. Motions to Consolidate or Sever
11. Bail motions
12. Motions to Discharge/Replace counsel
13. Motions for Defendant to Represent Self
14. Motions re: Mental Health Proceedings (PC 1606, 1608, 1026.2, 1026.5, 1368, 1372)
15. Discovery Motions
16. Set and assign for trial

**C. TRIAL JUDGE DEPARTMENTS**

1. Trial judges shall try cases assigned by the Executive Judge or the Presiding Judge.
2. There shall be no disposition of a case in a Trial Judge's department except by dismissal or verdict, without the consent of the Executive Judge, unless the defendant pleads guilty as charged.

**D. SPECIAL CIRCUMSTANCES CASES**

All informations and indictments upon which the District Attorney's Office is seeking the penalty of death shall be calendared and assigned for trial out of Department 11.

## APPENDIX TO CHAPTER 10

### A. JUVENILE COURT

**Assignment of Judges:** All petitions which would constitute a felony in adult criminal court shall be heard by a judge of the juvenile court unless the parties stipulate that a referee may hear the case as judge pro tempore. In addition to the judges regularly assigned to the juvenile court, every judge of the Alameda County Superior Court is a judge of the juvenile court whenever assigned a juvenile case. The initiation of master calendar assignments shall come from a juvenile court department and shall go through Department 1 for cases which originate in Oakland and Department 511 for cases which originate in San Leandro. The juvenile court departments may refer any contested matter in which the hearing is expected to last longer than two court sessions (1 day) to a master calendar department for assignment.

## **APPENDIX TO CHAPTER 13**

### **A. APPELLATE DIVISION CALENDARING**

Regular sessions of the Appellate Division of the Superior Court, County of Alameda, shall be held on the third Friday of each calendar month at 2:00 p.m. in Department 24 unless the Presiding Judge of the Appellate Division orders otherwise. Special sessions may be held at the call of the Presiding Judge of the Appellate Division.